

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Public Reprimand)	
)	
of the Educator's Certificate of)	CONSENT ORDER OF PUBLIC REPRIMAND
)	
John W. Flud)	
)	
Certificate # 193486)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2003. On July 29, 2002, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his South Carolina Educator's Certificate (certificate) to Mr. John W. Flud by certified mail, restricted delivery, and return receipt requested. Mr. Flud received this notice as evidenced by a signed postal receipt and initially requested a hearing. Subsequent to this request, Mr. Flud, through his attorney, L. Elaine Mazingo, Esquire, proposed to resolve this matter without a hearing by agreeing to the following terms: (1) a public reprimand will be issued by the State Board, (2) he agrees that this public reprimand will be reported to all school districts in South Carolina with the grounds listed as "unprofessional conduct," and (3) this order will be maintained as a public record in the Office of General Counsel of the Department. After considering the evidence presented, the State Board voted to issue a Consent Order of Public Reprimand on the terms set forth above.

Accepted:

Initial Here

Date:

John W.
Flud
#193486

FINDINGS OF FACT

Mr. Flud holds a valid South Carolina certificate, and has over three years of teaching experience. During the 2001-2002 school year, Mr. Flud was a teacher at North Hartsville Elementary School in the Darlington Country School District (District). He was suspended by the District for five days without pay after an incident that occurred during Palmetto Achievement Challenge Test (PACT) testing on April 29, 2002. At the request of his wife, who was a teacher in another district, Mr. Flud sent her via email the writing prompt for Day 2 of the PACT. In the email

to his wife, Mr. Flud asked her not to share the prompt with anyone. Mrs. Flud admitted that she shared the prompt with her students the day before it appeared on the PACT. The State Law Enforcement Division (SLED) was contacted by the District to investigate the allegations. A copy of the SLED report was shared with the Department and the Fourth Circuit Solicitor. The Solicitor decided that criminal intent was not present and did not prosecute Mr. or Mrs. Flud. Mr. Flud was re-employed by the District for the 2002-2003 school year. Mr. Flud stated he may have unintentionally violated some test security procedures and has agreed to accept this reprimand on the conditions outlined above.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (1990), S.C. Code Ann. §59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58. The Board finds that the preponderance of the evidence presented supports its conclusion that just cause does not exist to suspend or revoke Mr. Flud's certificate; however, cause does exist for a Public Reprimand of Mr. Flud's conduct during the PACT testing. Accordingly, the Board hereby issues this Consent Order of Public Reprimand as set forth above.

South Carolina State Board of Education

/S/ Greg Killian

Greg Killian
Chair

Columbia, South Carolina
February 11, 2003

I, John W. Flud, SC Teaching Certificate # 193486, do hereby agree to this Order of Public Reprimand, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, February 11, 2003.

11/26/03
Date

/S/ John W. Flud
Signature